

APPROVED AS AMENDED BY THE BOARD OF SELECTMEN

**TOWN OF DARIEN
BOARD OF SELECTMEN
SPECIAL MEETING
DECEMBER 7, 2004**

ATTENDANCE: Evonne M. Klein, First Selectwoman; Joseph Miceli;
Barbara Thorne; Robert Harrel, Jr.; Linda Santarella

STAFF: John Crary, Administrative Officer; Jeremy Ginsburg

OTHERS: Wayne Fox, Town Counsel

CALL TO ORDER

The First Selectwoman called the Special Meeting to order at 7:30 p.m.

FIRST SELECTWOMAN'S REPORT

The First Selectwoman stated that she received many telephone calls regarding the Grove Street parking lot reassignment of parking spaces for commuters. She reported the commuters felt that they did not receive enough notice of the reassignment. She stated that they were reassigned according to where people lived and that seniority was taken into consideration because they do not have a record of how long they had their permit. She asked for the Board's consensus and stated that she would like to have the commuters stay at Grove Street until the spring and they will continue to look at reassignments because parking is needed downtown. She stated that she would draft a letter apologizing to the commuters and allowing them to continue parking at Grove Street, however they are on notice that reassignment will continue to be looked into.

The First Selectwoman reported that Chief Hugh McManus will retire at the end of February. He served for 38 years of which 12 years were as Police Chief. She stated that she met with Police Commissioner Campbell and they are looking for a replacement in-house and a search letter was sent to all Captains and Lieutenants. She stated that they hoped to have a new Chief in January. Mr. Harrel requested that a letter be Chief McManus, on behalf of the Board, thanking him for his service.

The First Selectwoman reported that she met with Parsons Brinkerhoff to discuss possibly using micro tunneling technology for the CL&P project. She stated that this meeting was free, however if there was any additional discussion with them, they would be charged and the cost of micro tunneling could be as high as \$50,000. Mr. Harrel stated that this should be shifted back to CL&P to undertake this. Ms. Klein stated that she needed to go back to CL&P and she noted that they are willing to negotiate with the Town.

Ms. Klein requested that the regular Board of Selectmen meeting scheduled for December 20th be changed to December 13th.

**** MR. HARREL MOVED TO CHANGE THE DATE OF THE REGULAR MEETING OF THE BOARD OF SELECTMEN FROM DECEMBER 20TH TO DECEMBER 13TH AT 5:30 P.M.**

**** DR. MICELI SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Ms. Klein reported that there will be a meeting on December 21st at 10:00 a.m. at the Senior Center.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Crary reported that he had nothing to report.

NEW BUSINESS

a) Discuss and Take Action on request from Wilder Gleason for a municipal parking sign

Ms. Klein requested that this item be tabled until the December 13th meeting for additional information to be obtained.

**** DR. MICELI MOVED TO TABLE THE REQUEST FROM WILDER GLEASON FOR A MUNICIPAL PARKING SIGN UNTIL THE NEXT MEETING ON DECEMBER 13, 2004.**

**** MS. THORNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

b) Discuss Holly Lane Drainage

Mr. Crary reported that with the recent hurricane aftermath there has been drainage problems at Holly Lane. He stated that he and Bob Steeger investigated the area and determined that there is a small lot on Middlesex Road that was a switching station for AT&T. He said that in the past, there was an intent to extend a drainage pipe to tie into the brook, however it was never done. He stated that Bob Steeger felt that by extending the drainage pipe there to 36" to tie into the brook, it would relieve drainage pressure on the stream. He said the Town had the easement and financially it would cost \$40,000. He stated that he was not guaranteeing it would solve the problem because the debris also causes a problem. Mr. Crary stated that he would present this to the Board of Selectmen in this year's budget and then if approved, it would go on to the Board of Finance

Mr. Crary stated that he was letting the people of Holly Lane know what they planned to do. He reported that Bob Steeger could not be present this evening because he had to attend another meeting.

Ms. Klein stated that she had no problem putting this in the budget. Ms. Santarella questioned if there was any evidence the problem worsened since the high school project began. Mr. Crary replied that they have records going back to the 1970's of flooding in that area. Ms. Santarella stated that this was a very serious problem and a message should be sent to the Board of Finance.

Mr. Lane Russell, 18 Holly Lane, questioned if the pipe went to the stream and Mr. Crary replied that it doesn't and it stops because they put a catch basin in and that's as far as it gets. He added that Bob Steeger feels that extending the 36" pipe will help and make an improvement of the flow in the area.

The First Selectwoman stated that there would be further discussion on this and Bob Steeger would be present. Cheryl Russell stated that she was disappointed that Mr. Steeger was not present. She stated that if the \$40,000 was in the budget that is voted on in May, it would be in effect in June and the project would not begin until the fall. She felt that the owners would have to live with the problem too long. She asked that a special appropriation from the Board of Finance be considered. She continued that residents cannot get out of their driveways and it was a very dangerous situation in a public road.

The Board concurred that they will provide a list of questions for Bob Steeger and will come back with this information at their January 3rd meeting. Ms. Klein stated that Bob Steeger will be present at this meeting to explain this situation in depth to determine what course should be taken.

c) Discuss and Take Action on the Acquisition of the Procaccini Property

The First Selectwoman read the Resolution regarding the acquisition of the Procaccini property. She then asked for comments and discussion. Dr. Miceli stated that he was related to the Procaccini family by marriage, however, he had spoken to Town Counsel who told him he was allowed to vote on the acquisition.

Mr. Harrel then read a statement regarding his decision. He stated that in four years he has never voted against a land acquisition of which some have been successful and some have not. He stated that he first became aware of the Procaccini property in the mid-1970's and he was voting no tonight for the following reasons: approximately 1/3 of the property was wetlands, they should hire a land engineer to estimate the ledge rock, and he was concerned about public access to the site. He asked that the Board consider a professional traffic study. He continued that the funds instead be used to put artificial surface at the Darien High School, look into purchasing the Library site, and look into Ox Ridge Hunt Club and he strongly supported building a new Tokeneke School.

Ms. Klein replied that she spoke to Chief McManus and he did not see a problem with the access on Hoyt Street. She asked Jeremy Ginsburg if he felt a traffic study needed to be

done when considering the purchase of property and he replied that when they have a development plan then a traffic study will be needed. She stated that the Library site would not be available for three to four years for purchase and it was rumored that the Ox Ridge Hunt Club site would be sold off in pieces in a long term process.

Dr. Miceli stated that it was important that they acquire more land for recreation and plan for the future. He stated that when they had the chance to buy property of this size they should do it. Ms. Thorne stated that there were many factors to support the purchase and it was a worthy long term investment. She stated that it affords public access to 15 acres of land and that time was crucial. Ms. Santarella stated that she was a stickler for the Town Plan of Development and her decision was based on the past Town Plans which were a roadmap for her. She stated that paramount to her has been to acquire open space because the Town does not have enough. She said the Procaccini land is not perfect but it can be a lot of things. She said that the top priority of the Board was land acquisition and the budget was based around it. She told the Wakemore Road neighbors that she has a problem with it being an entryway. She concluded by stating that if the Town owned the land it could be anything the Town wanted it to be because the Town would have control of it rather than someone else.

The First Selectwoman stated that she was very excited that this Board was able to bring this property to the public and she thanked the Board for sticking with this. She stated that there were several options on how to use the property and whatever the Town decided to do the bottom line was that the community will decide how to use the property. She continued that she felt that Hoyt Street will be used as the main entrance. She stated that Moody's had assigned the Town a Aaa rating.

**** MS. SANTARELLA MOVED THE FOLLOWING RESOLUTION:**

WHEREAS, THE TOWN OF DARIEN IS DESIROUS OF ACQUIRING AVAILABLE LAND; AND

WHEREAS, THE TOWN OF DARIEN IS DESIROUS OF ACQUIRING APPROXIMATELY 17.12± ACRES OF LAND COMMONLY REFERRED TO AS THE PROCACCINI PARCEL, LOCATED EAST OF HOYT STREET AND NORTH OF WAKEMORE STREET WITHIN THE TOWN OF DARIEN WHICH IS CURRENTLY AVAILABLE FOR ACQUISITION; AND

WHEREAS, IT HAS COME TO THE ATTENTION OF REPRESENTATIVES OF THE TOWN OF DARIEN THAT THE PROCACCINI FAMILY IS DESIROUS OF SELLING SAID PROPERTY.

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF SELECTMEN APPROVES THE EXPENDITURE OF SEVEN MILLION FIVE HUNDRED

THOUSAND AND 00/100 DOLLARS (\$7,500,000.00) FOR THE ACQUISITION OF APPROXIMATELY 17.12± ACRES OF WHAT IS COMMONLY REFERRED TO AS THE PROCACCINI PROPERTY, ALSO IDENTIFIED AS ASSESSORS LOTS 204, 206, 228, 229, AND 230.

BE IT FURTHER RESOLVED THAT THE BOARD OF SELECTMEN AUTHORIZES AN AGREEMENT WITH ANGELO AND JACK PROCACCINI WHEREBY THEY WILL CONVEY TO THE TOWN OF DARIEN PROPERTY OWNED BY THEM AND LISTED AS ASSESSORS LOT 207, COMMONLY REFERRED TO AS 285 HOYT STREET.

IT IS FURTHER UNDERSTOOD THAT, AS PART OF ANY SUCH AGREEMENT, THE TOWN OF DARIEN WILL RETAIN A SUFFICIENT PORTION OF LOTS 228, 229 AND 230 TO ALLOW AN ACCESSWAY ONTO THE 17.12± ACRE PROCACCINI PROPERTY COMMONLY REFERRED TO AS ASSESSOR'S LOTS 204 AND 206.

IT IS FURTHER UNDERSTOOD THAT SHOULD THIS ACCESSWAY BE DEVELOPED, IT WILL BE OF SUFFICIENT WIDTH SO THAT IT MAY BE ACCEPTED AS A PUBLIC HIGHWAY AND MEET TOWN STANDARDS.

IT IS FURTHER UNDERSTOOD THAT THE TOWN OF DARIEN AGREES TO DESIGNATE ANY ENTRYWAY ESTABLISHED TO ACCESS LOTS 204 AND 206 AS A STREET AND RECOGNIZES ITS OBLIGATION TO PROVIDE PROPER DRAINAGE FOR ANY SUCH NEW STREET LOCATED ON LOTS 228, 229 AND 230 SHOULD THAT BE USED AS AN ENTRYWAY INTO THE 17.12±ACRES BEING PURCHASED.

IT IS FURTHER UNDERSTOOD THAT THE BALANCE OF LOTS 228, 229 AND 230 WILL BE CONVEYED BY THE TOWN OF DARIEN TO ANGELO AND JACK PROCACCINI.

IT IS FURTHER UNDERSTOOD THAT AS PART OF THIS TRANSACTION, THE PROCACCINI FAMILY WILL CONVEY TO THE TOWN ALL RIGHTS, TITLE AND INTEREST, IF ANY, IT HAS IN THE PRIVATE STREET COMMONLY REFERRED TO AS WAKEMORE STREET.

IT IS FURTHER UNDERSTOOD THAT JACK AND ANGELO PROCACCINI WILL PURSUE A SUBDIVISION OF THAT PORTION OF LOTS 228, 229 AND 230 DEEDED TO THEM. THEY WILL BE RESPONSIBLE FOR ALL INITIAL EXPENSES WITH THE SUBDIVISION APPLICATION, INCLUDING BUT NOT LIMITED TO, APPLICATION FEES, ATTORNEY FEES, ENGINEERING FEES AND SURVEY FEES.

IT IS FURTHER UNDERSTOOD THAT IT IS THE HOPE AND DESIRE OF JACK AND ANGELO PROCACCINI TO OBTAIN A MINIMUM OF A THREE-LOT SUBDIVISION,

IT IS FURTHER UNDERSTOOD THAT THE TOWN WILL COOPERATE WITH ANGELO AND JACK PROCACCINI IN CONJUNCTION WITH SAID APPLICATION AND WILL ALLOW THEM ACCESS TO THE SURVEY AND WETLANDS MAPS IN ITS POSSESSION.

IT IS FURTHER UNDERSTOOD THAT IN THE EVENT THAT JACK AND ANGELO PROCACCINI ARE UNABLE TO OBTAIN APPROVAL FOR A MINIMUM OF A THREE-LOT SUBDIVISION, THEN THEY WILL NOT BE OBLIGATED TO PROCEED WITH THE TRANSACTION, AND THE TOWN WILL REIMBURSE JACK AND ANGELO PROCACCINI FOR ONE-HALF OF ANY EXPENSES UP TO \$30,000.00 INCURRED IN CONJUNCTION WITH THIS APPLICATION. IN NO EVENT WILL THE TOWN BE RESPONSIBLE FOR MORE THAN \$15,000.00 OF SAID EXPENSES.

IT IS FURTHER UNDERSTOOD THAT IN CONJUNCTION WITH THE TRANSFER OF LOT 207 TO THE TOWN, IT IS AGREED THAT JACK AND ANGELO PROCACCINI WILL BE ALLOWED TO REMAIN AT THAT LOCATION RENT-FREE FOR A PERIOD OF UP TO TWO YEARS.

IT IS FURTHER UNDERSTOOD THAT DURING THE PERIOD OF TIME THAT THEY OCCUPY SAID PREMISES, IT WILL BE THEIR RESPONSIBILITY TO PAY FOR ALL NORMAL EXPENSES IN CONNECTION WITH THE MAINTENANCE AND UPKEEP OF SAID PROPERTY. THIS WILL INCLUDE, BUT NOT BE LIMITED TO, INSURING THEIR INTERESTS IN THE PROPERTY, HEAT, ELECTRICITY AND ALL NORMAL MAINTENANCE.

IT IS FURTHER UNDERSTOOD THAT AT THE END OF THE TWO-YEAR PERIOD, THERE WILL BE A RIGHT TO EXTEND SAID OCCUPANCY UPON AGREEMENT OF BOTH PARTIES. IN THE EVENT THAT OCCURS, JACK AND ANGELO PROCACCINI WILL BE OBLIGATED TO PAY FAIR MARKET RENT FOR OCCUPANCY OF SAID PREMISES.

BE IT FURTHER RESOLVED THAT A REQUEST BE SUBMITTED TO THE BOARD OF FINANCE FOR THE APPROVAL OF SEVEN MILLION FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$7,500,000.00) FOR THE ACQUISITION OF SAID PROPERTY.

BE IT FURTHER RESOLVED THAT A REQUEST BE SUBMITTED TO THE RTM FOR THE APPROVAL OF SEVEN MILLION FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$7,500,000.00) FOR THE ACQUISITION OF SAID PROPERTY.

BE IT FURTHER RESOLVED THAT A REQUEST BE SUBMITTED TO THE PLANNING AND ZONING COMMISSION UNDER §8-24 OF THE CONNECTICUT GENERAL STATUTES FOR A REPORT FROM SAID COMMISSION AS PROVIDED FOR BY SAID STATUTE.

BE IT FURTHER RESOLVED THAT THIS APPROVAL IS CONTINGENT UPON THE EXECUTION OF A REAL ESTATE CONTRACT ENCOMPASSING TERMS ACCEPTABLE TO THE TOWN OF DARIEN.

**** MS. THORNE SECONDED.**

**** MOTION PASSED WITH FOUR IN FAVOR AND ONE OPPOSED (MR. HARREL).**

d) Discuss and Take Action on Shellfish Survey

Ms. Klein reported that Talmadge Brothers reneged on doing a survey for free until the five year restriction was lifted. Ms. Klein stated that they needed an outside opinion. The Board concurred to delay the voting on this item until the next meeting.

e) Discuss and Take Action on request to explore Cable 9 taping of Board of Selectmen Meetings

Ms. Klein reported that they needed additional information on this but that it was a great opportunity to engage the public. The Board concurred to place this item on the agenda of next week's meeting on December 13th.

f) Budget Transfer for Registrars of Voters.

Transfer of funds to Seasonal & Temporary to cover the loss of the services of a Deputy.

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

<u>From:</u>			<u>To:</u>		
<u>Acct. No.</u>	<u>Account</u>	<u>Amount</u>	<u>Acct. No.</u>	<u>Account</u>	<u>Amount</u>
10107651/81002	PT Salary	\$1,000	10107651/81003	Seas&Temp	\$1,000
	TOTAL	\$1,000		TOTAL	\$1,000

**** MS. SANTARELLA MOVED TO APPROVE THE FOLLOWING TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE:**

**ACCOUNT NUMBER 10107651/81002, PT SALARY, IN THE AMOUNT OF \$1,000 TO
ACCOUNT NUMBER 10107651/81003, SEAS & TEMP, IN THE AMOUNT OF \$1,000.**

**** MS. THORNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

g) Budget Transfer Fire Marshal & Planning and Zoning Departments

Transfer from various accounts to Vehicle Replacement. This will allow for the purchase of a replacement vehicle for the Planning & Zoning Department. The vehicle replacement account was used for: a new Fire Marshal vehicle (\$26,000), installation of radios, lights, sirens, shelving, and other miscellaneous equipment for that vehicle (\$3,800); and a trailer (\$4,908). This leaves only \$11,000+/-for a replacement Planning and Zoning vehicle. The low bid on that vehicle was \$16,000 with \$1,000 as a trade-in on the existing vehicle.

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10104081-82007	Regulatory Counsel	\$1,500	902054	Vehicle	\$5,000
	Purchase Street			Replacement	
905010	Lights	\$3,500			
	TOTAL	\$5,000		TOTAL	\$5,000

Mr. Harrel questioned why this transfer was not coming from the contingency account. The Board discussed changing the transfer.

**** MR. HARREL MOVED TO CHANGE THE TRANSFER OF APPROPRIATIONS
SO THAT THE AMOUNT OF \$5,000 WILL BE TRANSFERRED FROM THE
CONTINGENCY ACCOUNT TO ACCOUNT NUMBER 902054, VEHICLE
REPLACEMENT, IN THE AMOUNT OF \$5,000.**

**** DR. MICELI SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

PUBLIC COMMENT

There were no comments from the public at this time.

APPOINTMENTS/REAPPOINTMENTS

Consider and take action on the following appointment:

- a) Chris Merritt (D) as a member of the Beautification Commission, for a term beginning 12/1/04 and expiring on 11/30/07.

**** MR. HARREL MOVED TO APPOINT CHRIS MERRITT(D) AS A MEMBER OF THE BEAUTIFICATION COMMISSION, FOR A TERM BEGINNING 12/1/04 AND EXPIRING ON 11/30/07.**

**** DR. MICELI SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

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|----------------------|---|
| a) December 6, 2004 | RTM State-of-the-Town Meeting at 8:15 p.m. |
| b) December 13, 2004 | Board of Selectmen meeting at 5:30 p.m. |
| c) December 14, 2004 | Board of Finance meeting at 8:15 p.m. |
| d) December 14, 2004 | Board of Education meeting at 7:30 p.m. |
| e) December 15, 2004 | Parks and Recreation meeting at 7:30 p.m. |
| f) January 3, 2005 | Board of Selectmen meeting with Department Heads at 4:30 p.m. |
| g) January 3, 2005 | Board of Selectmen meeting at Conclusion of Meeting with Department Heads |

OTHER BUSINESS

(Because this is a Special Meeting no items may be added to the agenda)

**** MR. HARREL MOVED TO ADJOURN THE MEETING.**

**** MS. SANTARELLA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:35 p.m.

Respectfully Submitted,

Donna DeVito
Telesco Secretarial Services